



Atty. Dkt. No. 029860-0154

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Angel F. LOPEZ, et al.

Title: METHOD OF MODULATING LEUKEMIC CELL AND
EOSINOPHIL ACTIVITY WITH MONOCLONAL ANTIBODIES
(As Amended)

Appl. No.: 10/774,887

Filing Date: February 9, 2004

Examiner: P. M. Mertz

Art Unit: 1646

Confirmation
Number: 8791

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Angel F. Lopez, declare the following:

1. I am a co-inventor named in the captioned application.

2. I understand that claims 32 and 34 of the application are rejected for lack of enablement allegedly because of an absence of evidence that certain monoclonal antibody-producing lines, such as ATCC HB-12525, are known and readily available.

3. In this regard, as stated on page 23 of the Specification, on April 29, 1998, the hybridoma cell-line HB-12525 was deposited under the Budapest Treaty with the American Type Culture Collection (ATCC), 101801 University Boulevard, Manassas, Virginia, U.S.A. I further note that:

a) during the pendency of the application, access to the deposit will be afforded to persons determined by the USPTO Commissioner to be entitled thereto;

- b) all restrictions, if any, imposed by applicant on the availability to the public of the deposited material will be irrevocably removed upon granting of a patent based on this application;
- c) the deposit will be maintained for a period of at least 30 years and at least 5 years after the date of the most recent request for a furnishing of a sample of the deposited biological material, and in any case the deposit will be available for the enforceable life of the patent based on this application;
- d) the deposit will be replaced if it should become necessary due to nonviability, contamination, or loss of capability to function in the manner described in the specification; and
- e) the ATCC HB-12525 cell line described in the specification is the same ATCC HB-12525 cell line which was deposited.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom..

7/2/08
Date

Angel V. Lopez
